

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON BOYCE,

Plaintiff,

v.

BRUCE WEBER and LITTLE BEAR, INC.

Defendants

Case No. 1:19-cv-03825-JMF

I, Arick Fudali, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with the Bloom Firm, counsel for Plaintiff, Jason Boyce.
2. I respectfully submit this Declaration in connection with Plaintiff's Opposition to Defendants' Motion for Summary Judgment.
3. I have personal knowledge of all facts stated in this Declaration, and if called to testify, I could and would testify competently thereto.
4. Attached as **Exhibit A** is a true and correct copy of relevant excerpts of the transcript of the deposition of Bruce Weber dated September 19, 2019.
5. Attached as **Exhibit B** is a true and correct copy of Bruce Weber's Vimeo Biography.
6. Attached as **Exhibit C** is a true and correct copy of relevant excerpts of the transcript of the deposition of David Todd dated March 5, 2019.
7. Attached as **Exhibit D** is a true and correct copy of relevant excerpts of the transcript of the deposition of Jason Boyce dated July 19, 2019.
8. Attached as **Exhibit E** is a true and correct copy of relevant excerpts of the transcript of the deposition of dated Jonathan Bernstein dated September 23, 2019.

9. Attached as **Exhibit F** is a true and correct copy of relevant excerpts of the transcript of the deposition of Elizabeth Murphy Dated September 23, 2019.
10. Attached as **Exhibit G** is a true and correct copy of relevant excerpts of the transcript of the deposition of Michael Murphy dated October 22, 2019.
11. Attached as **Exhibit H** is a true and correct copy of relevant excerpts of the transcript of the deposition of Nan Bush dated December 18, 2019.
12. Attached as **Exhibit I** is a true and correct copy of relevant excerpts of the transcript of the deposition of dated Mark Ricketson dated July 23, 2018.
13. Attached as **Exhibit J** is a true and correct copy of relevant excerpts of the transcript of the deposition of Jeanine Morick dated October 24, 20019.
14. Attached as **Exhibit K** is a true and correct copy of relevant excerpts of the transcript of the deposition of Jeffrey M. Tautrim dated October 15, 2019.
15. Attached as **Exhibit L** is a true and correct copy of relevant excerpts of the transcript of the deposition of Anthony Baldwin dated October 14, 2019.
16. Attached as **Exhibit M** is a true and correct copy of relevant excerpts of the transcript of the deposition of Buddy Krueger dated October 11, 2019.
17. Attached as **Exhibit N** is a true and correct copy of relevant excerpts of the transcript of the deposition of Joshua Ardolf dated September 26, 2019.
18. Attached as **Exhibit O** is a true and correct copy of relevant excerpts of the transcript of the deposition of Jacob Madden dated September 6, 2019.
19. Attached as **Exhibit P** is a true and correct copy of relevant excerpts of the transcript of the deposition of Jnana Van Oijen dated October 21, 2019.

20. Attached as **Exhibit Q** is a true and correct copy of relevant excerpts of the transcript of the deposition of Ron Kochevar dated March 6, 2020.
21. Attached as **Exhibit R** is a true and correct copy of relevant excerpts of the transcript of the deposition of Monty Hooper dated February 7, 2020.
22. Attached as **Exhibit S** is a true and correct copy of relevant excerpts of the transcript of the deposition of Dawn Tomassone dated September 25, 2019.
23. Attached as **Exhibit T** is a true and correct copy of relevant excerpts of the transcript of the deposition of Daryl Janney dated August 29, 2019.
24. Attached as **Exhibit U** is a true and correct copy of relevant excerpts of the rough transcript of the deposition of Tony Barbieri dated March 4, 2020.
25. Attached as **Exhibit V** is a true and correct copy of Bruce Weber's Responses to Mr. Boyce's Interrogatories dated August 14, 2019
26. Attached as **Exhibit W** is a true and correct copy of an email dated September 11, 2008 between Mathias Augustyniak and Jeannette Shaheen.
27. Attached as **Exhibit X** is a true and correct copy an email dated September 10, 2008 between Jean Touitou and Jeannette Shaheen.
28. Attached as **Exhibit Y** is a true and correct copy of Little Bear, Inc.'s Amended Responses to Jason Boyce's First Set of Interrogatories.
29. Attached as **Exhibit Z** is a true and correct copy of Little Bear, Inc.'s Verification to Interrogatories dated May 30, 2018.
30. Attached as **Exhibit AA** is a true and correct copy of Jason Kanner's Responses to Jason Boyce's First Set of Interrogatories.

31. Attached as **Exhibit BB** is a true and correct copy of an email, dated September 3, 2014, between Dawn Tomassone and Jason Kanner.
32. Attached as **Exhibit CC** is a true and correct copy of an email, dated September 2, 2014, between Dawn Tomassone to Jason Kanner.
33. Attached as **Exhibit DD** is a true and correct copy of a text message chain dated March 5-30, 2015 between David Todd and Bruce Weber.
34. Attached as **Exhibit EE** is a true and correct copy of a text message chain dated February 14, 2014 to November 3, 2014 between David Todd and Bruce Weber.
35. Attached as **Exhibit FF** is a true and correct copy of an email from Jason Kanner dated October 15, 2012.
36. Attached as **Exhibit GG** is a true and correct copy of an email dated April 22, 2013, between Jason Kanner and Bruce Weber.
37. Attached as **Exhibit HH** is a true and correct copy of an email from Jason Kanner dated January 13, 2014.
38. Attached as **Exhibit II** is a true and correct copy of an email dated May 27, 2014, between Jason Kanner and Bruce Weber.
39. Attached as **Exhibit JJ** is a true and correct copy of an email dated February 10, 2017, between Jason Kanner and Bruce Weber.
40. Attached as **Exhibit KK** is a true and correct copy of an email dated April 9, 2012 between Jason Kanner and Bruce Weber.
41. Attached as **Exhibit LL** is a true and correct copy of an email dated May 28, 2009 between Bruce Weber and Antony Baldwin.

42. Attached as **Exhibit MM** is a true and correct copy of an email dated August 4, 2015 between Dawn Tomassone and Jason Kanner.
43. Attached as **Exhibit NN** is a true and correct copy of an email dated November 14, 2009, from Bruce Weber to Jason Van Oijen.
44. Attached as **Exhibit OO** is a true and correct copy of an email exchange, dated May 27, 2009-May 28, 2009, between Bruce Weber and Anthony Baldwin.
45. Attached as **Exhibit PP** is a true and correct copy of an email, dated June 5, 2009, from Bruce Weber to Anthony Baldwin.
46. Attached as **Exhibit QQ** is a true and correct copy of an email exchange dated January 5, 2017, between Jason Kanner and Bruce Weber.
47. Attached as **Exhibit RR** is a true and correct copy of an email chain dated May 15, 2017, between Jason Kanner and Bruce Weber.
48. Attached as **Exhibit SS** is a true and correct copy of an email dated May 11, 2011 from Jason Kanner to Bruce Weber.
49. Attached as **Exhibit TT** is a true and correct copy of an email dated August 15, 2011 between Jason Kanner and Bruce Weber.
50. Attached as **Exhibit UU** is a true and correct copy of an email dated March 3, 2017, between Jason Kanner and Bruce Weber.
51. Attached as **Exhibit VV** is a true and correct copy of an email dated July 22, 2015 between Jason Kanner and Bruce Weber.
52. Attached as **Exhibit WW** is a true and correct copy of an email dated July 20, 2015 from Jeannette Shaheen to Jason Kanner.

53. Attached as **Exhibit XX** is a true and correct copy of an email dated May 26, 2011 between Jason Kanner and Dawn Tomassone.
54. Attached as **Exhibit YY** is a true and correct copy of an email dated January 4, 2017 between Jason Kanner and Dawn Tomassone.
55. Attached as **Exhibit ZZ** is a true and correct copy of email exchange dated September 16, 2014 & September 17, 2014, between Skylar Pittman, Lindsey LeGarrec and Jason Kanner.
56. Attached as **Exhibit AAA** is a true and correct copy of an invoice dated November 25, 2014 from Soul Artist Management to Little Bear, Inc.
57. Attached as **Exhibit BBB** is a true and correct copy of an email dated July 27, 2015 from Jason Kanner to Bruce Weber.
58. Attached as **Exhibit CCC** is a true and correct copy of an email dated August 4, 2015 from Jason Kanner to Dawn Tomassone.
59. Attached as **Exhibit DDD** is a true and correct copy of an email dated August 4, 2015 between Jason Kanner, Sarah Hamilton-Bailey and Dawn Tomassone.
60. Attached as **Exhibit EEE** is a true and correct copy of an email dated September 8, 2015 from Jeannette Shaheen to Jason Kanner.
61. Attached as **Exhibit FFF** is a true and correct copy of an email dated November 30, 2015 between Jason Kanner and Bruce Weber.
62. Attached as **Exhibit GGG** is a true and correct copy of an email dated December 7, 2015 between Jason Kanner and Gwen Walberg.
63. Attached as **Exhibit HHH** is a true and correct copy of an email dated December 10, 2015 between Jason Kanner and Gwen Walberg.

64. Attached as **Exhibit III** is a true and correct copy of an email dated December 8, 2015 between Jason Kanner and Gwen Walberg.
65. Attached as **Exhibit JJJ** is a true and correct copy of an email dated November 15, 2016 between Jason Kanner and Gwen Walberg.
66. Attached as **Exhibit KKK** is a true and correct copy of Welcome Packet for Abercrombie & Fitch Spring/Summer 2010 photoshoot.
67. Attached as **Exhibit LLL** is a true and correct copy of an email dated June 21, 2017 between Jason Kanner, Gwen Walberg and Kristen Bowman.
68. Attached as **Exhibit MMM** is a true and correct copy of an email dated November 10, 2014 between Jason Kanner, Lindsey LeGarrec and Dawn Tomassone.
69. Attached as **Exhibit NNN** is a true and correct copy of an email dated June 2, 2017 from Dawn Tomassone to Jason Kanner.
70. Attached as **Exhibit OOO** is a true and correct copy of an email dated November 18-19, 2015 between Jason Kanner and Skylar Pittman.
71. Attached as **Exhibit PPP** is a true and correct copy of an invoice dated July 6, 2015.
72. Attached as **Exhibit QQQ** is a true and correct copy of an invoice dated December 5, 2015.
73. Attached as **Exhibit RRR** is a true and correct copy of an email dated April 13, 2015 between Jason Kanner and Bruce Weber.
74. Attached as **Exhibit SSS** is a true and correct copy of an email dated April 13, 2015 between Jason Kanner and Dawn Tomassone.
75. Attached as **Exhibit TTT** is a true and correct copy of an email dated April 16, 2015 between Lindsey LeGarrec and Jason Boyce.

76. Attached as **Exhibit UUU** is a true and correct copy of an email dated April 17, 2015 between OJ Williams and Jason Boyce.

77. Attached as **Exhibit VVV** is a true and correct copy of an email dated April 17, 2015 between Jason Kanner and Bruce Weber.

78. Attached as **Exhibit WWW** is a true and correct copy of an email dated April 24, 2015 between Jason Kanner and Dawn Tomassone.

79. Attached as **Exhibit XXX** is a true and correct copy of an email dated October 2, 2014 between Jason Kanner and Hillery Estes.

80. Attached as **Exhibit YYY** is a true and correct copy of an email dated April 24, 2014 between Jason Kanner and Dawn Tomassone.

81. Attached as **Exhibit ZZZ** is a true and correct copy of an email chain dated November 12-November 14, 2014 between Sarah Hamilton-Bailey, Jason Kanner, and Eva Lindemann.

82. Attached as **Exhibit AAAA** is a true and correct copy of an invoice dated November 18, 2014 from Soul Artist Management to Little Bear, Inc.

I declare under penalty of perjury under the laws of the United States of America and New York that the foregoing is true and correct.

Executed on March 12, 2020

New York, New York.

/s/ Arick W. Fudali
Arick W. Fudali